

THE LAW OFFICE OF

ELISA HYMAN, P.C.

October 24, 2023

**BY ECF**

Hon. John G. Koeltl  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: *G.P. et al. v. New York City Dep't of Educ. et al.*  
Docket No. 23-cv-5708 (JGK)

Dear Judge Koeltl:

I am counsel for the Plaintiffs in the above-referenced matter and write jointly with counsel for Defendants. We are submitting this joint letter to respectfully request a 60-day extension of time to submit our Rule 26(f) report, which is currently due October 27, 2023 (Docket No. 17), and an adjournment of the initial conference currently scheduled for November 7, 2023 to a date after the as-extended Rule 26(f) report submission deadline. This is the parties' first request for an extension or adjournment of these dates.

Plaintiffs G.P. and E.G. brought this action on behalf of themselves and their children, J.S. and D.S., under the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, *et seq.*, 42 U.S.C. § 1983, and New York State law. Plaintiffs allege, *inter alia*, that Defendants failed to timely and fully implement final decisions issued by Impartial Hearing Officers ("IHOs") in IDEA due process proceedings concerning J.S. and D.S. Plaintiffs seek, *inter alia*, reimbursement with interest, compensatory education, and other equitable relief related to their implementation allegations concerning the IHO decisions, and also seek their attorneys' fees and costs for the underlying administrative actions and the instant federal case.

Defendants filed an Answer to the Complaint dated October 11, 2023 (Docket No. 16), and on October 13, 2023, the Court issued an Order directing the parties to submit a Rule 26(f) report by October 27, 2023 (Docket No. 17). Section II.A of Your Honor's Individual Practices directs the provision of a Rule 26(f) report prior to the initial conference, while Section IV.A directs the submission of a proposed Case Management Plan and Scheduling Order no later than two weeks after all defendants have answered the Complaint. It is the joint understanding of counsel that Your Honor's October 13, 2023 Order addresses both of those requirements, and that compliance with this Order and Your Honor's Individual Practices requires submission by October 27, 2023 of a document modeled on the Civil Scheduling Order on Your Honor's page of the Court website.

Counsel for the parties have conferred regarding Rule 26(f) matters, and both parties would like to attempt to resolve the issues raised in the Complaint without the need for formal discovery

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Deadline for the Rule 26(f) report  
extended to 12/20/23.  
November 7, 2023 conference is  
canceled.  
So ordered.  
J.G. Koeltl  
U.S.D.J.  
10/26/23

or motion practice. Counsel are currently engaged in discussions concerning issuance of the reimbursement amounts awarded to Plaintiffs by the IHOs and then hope to turn to the remaining issues raised in the Complaint.

Accordingly, the parties respectfully request that the deadline to submit a Rule 26(f) report be adjourned for 60 days, until December 26, 2023, and that the November 7, 2023 initial conference date be adjourned to a date after the as-extended Rule 26(f) report submission deadline to afford the parties additional time to try to resolve this matter. If these requests are granted, no other current deadlines would be affected.

We thank the Court for its consideration of these requests.

Respectfully submitted,

/s

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cc: **BY ECF**  
All Counsel of Record